

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended to be consistent with the claims.

Claims 1, 2, 7, 9, 10, 11 and 12 are currently being amended.

Claims 4 and 5 are canceled.

Claim 13 is added.

This amendment changes Claims in this application. A detailed listing of all Claims that are, or were, in the application, irrespective of whether the Claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the Claims as set forth above, Claims 1-3 and 6-13 (11 Claims) are now pending in this application.

Claim Rejections - 35 U.S.C. §112

On page 2 of the Office Action, the Examiner has rejected Claims 1-12 under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly Claim the subject matter which Applicant regards as the invention.

Claims 1, 2, 7, 9, 10, 11, and 12 have been amended, are definite and in compliance with 35 U.S.C. §112 paragraph 2.

Figures 1-4 and at least paragraphs 0015 – 0018, 0028, 0029, and 0031 of the application provide the support for the amendments. No new matter has been added. Merely as examples, Figure 1 shows the backrest 1 in the **first seat back position** (see paragraph 0028) and the seat base 8 in a “**first seat base**” position (see paragraph 0028), and Figure 3 shows the backrest 1 in the **second seatback position** (see paragraph 0029) and the seat base 8 in the **second seat base position** (see paragraph 0029). The designations of position are fully supported by the drawings and specification as originally filed with the amendments

clarifying and providing consistent and corresponding language in the specification and Claims.

The Applicants respectfully request withdrawal of the rejection of Claim 1-3 and 6-12 under 35 U.S.C. §112, paragraph 2.

The Applicants note that the Claim amendments described above are intended to clarify the language used in the amended Claims, and are in no way intended as limiting or to obtain patentability of such Claims. Accordingly, it is believed by the Applicants that the amendments made to the Claims in no way impair the ability of the Applicants to obtain the full scope of such Claims as may be available under the Doctrine of Equivalents.

Claim Rejections – 35 U.S.C. §102

- On pages 4 and 5 of the Office Action, the Examiner has rejected Claims 1-3 and 9-10 under 35 U.S.C. §102(b) as being anticipated by Louis (USPN: 4,390,205).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, 9, and 10 depend from independent Claim 1.

Louis does not disclose such a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from

a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Louis is improper. Claim 1 is patentable over Louis.

Dependent Claims 2, 3, 9, and 10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 9-10 under 35 U.S.C. §102(b).

- On pages 5 and 6 of the Office Action, the Examiner has rejected Claims 1-3 and 9-10 under 35 U.S.C. §102(b) as being anticipated by Froumajou (USPN: 4,382,629).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, 9, and 10 depend from independent Claim 1.

Froumajou does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner,

as recited in independent Claim 1. The rejection of Claim 1 over Froumajou is improper. Claim 1 is patentable over Froumajou.

Dependent Claims 2, 3, 9, and 10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 9-10 under 35 U.S.C. §102(b).

- On pages 6 and 7 of the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Parsson (USPN: 5,044,683).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2 and 3 depend from independent Claim 1.

Parsson does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Parsson is improper. Claim 1 is patentable over Parsson.

Dependent Claims 2 and 3 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(b).

- On pages 7 and 8 of the Office Action, the Examiner has rejected Claims 1-3 and 9-10 under 35 U.S.C. §102(b) as being anticipated by Richter et al (USPN: 5,482,349).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, 9, and 10 depend from independent Claim 1.

Richter et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Richter et al is improper. Claim 1 is patentable over Richter et al.

Dependent Claims 2, 3, 9, and 10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 9-10 under 35 U.S.C. §102(b).

- On pages 8 and 9 of the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Rus (USPN: 5,641,202).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2 and 3 depend from independent Claim 1.

Rus does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Rus is improper. Claim 1 is patentable over Rus.

Dependent Claims 2 and 3 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(b).

- On pages 9 and 10 of the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Rus (USPN: 5,658,046).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2 and 3 depend from independent Claim 1.

Rus does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Rus is improper. Claim 1 is patentable over Rus.

Dependent Claims 2 and 3 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(b).

- On pages 10 and 11 of the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Sutton et al (USPN: 5,738,411 and 5,826,942).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2 and 3 depend from independent Claim 1.

Sutton et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Sutton et al is improper. Claim 1 is patentable over Sutton et al.

Dependent Claims 2 and 3 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(b).

- On page 11 of the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Namba et al (USPN: 5,954,398).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2 and 3 depend from independent Claim 1.

Namba et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Namba et al is improper. Claim 1 is patentable over Namba et al.

Dependent Claims 2 and 3 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(b).

- On page 12 of the Office Action, the Examiner has rejected Claims 1-3 and 9-10 under 35 U.S.C. §102(b) as being anticipated by Schaefer et al (USPN: 6,070,934).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement

of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6)." Claims 2, 3, 9, and 10 depend from independent Claim 1.

Schaefer et al does not disclose a "vehicle seat" comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Schaefer et al is improper. Claim 1 is patentable over Schaefer et al.

Dependent Claims 2, 3, 9, and 10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 9-10 under 35 U.S.C. §102(b).

- On page 13 of the Office Action, the Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Mitschelen et al (USPN: 6,193,317 B1).

Claim 1 is in independent form and recites a "vehicle seat" comprising in combination with other elements, "a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail

(6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2 and 3 depend from independent Claim 1.

Mitschelen et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Mitschelen et al is improper. Claim 1 is patentable over Mitschelen et al.

Dependent Claims 2 and 3 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 under 35 U.S.C. §102(b).

- On pages 14 and 15 of the Office Action, the Examiner has rejected Claims 1-7 under 35 U.S.C. §102(b) as being anticipated by Arai et al (USPN: 6,183,033 B1).

Arai et al discloses a seat structure having a seat cushion and a seat back that are both reversible but are not to be reversed at the same time (see, for example, col. 5, lines 20-42, col. 6, line 60: “individually rotated forwardly”).

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail

(6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, 6, and 7 depend from independent Claim 1.

Arai et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Arai et al is improper. Claim 1 is patentable over Arai et al.

Dependent Claims 2, 3, 6, and 7 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3, 6, and 7 under 35 U.S.C. §102(b).

- On pages 15 and 16 of the Office Action, the Examiner has rejected Claims 1-7 under 35 U.S.C. §102(b) as being anticipated by Arai (USPN: 6,196,613 B1).

Arai et al discloses a seat structure having a seat cushion and a seat back that are both reversible but are not to be reversed at the same time.

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first

seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6)." Claims 2, 3, 6, and 7 depend from independent Claim 1.

Arai does not disclose a "vehicle seat" comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Arai is improper. Claim 1 is patentable over Arai.

Dependent Claims 2, 3, 6, and 7 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3, 6, and 7 under 35 U.S.C. §102(b).

- On pages 16 and 17 of the Office Action, the Examiner has rejected Claims 1-7 and 9-10 under 35 U.S.C. §102(e) as being anticipated by Saberan et al (USPN: 6,899,392 B1).

Saberan et al does not disclose a common (i.e. simultaneous) movement of the backrest and the seat base. Further, Saberan et al does not disclose to use any rails or any longitudinal relative displacement of the rails.

Claim 1 is in independent form and recites a "vehicle seat" comprising in combination with other elements, "a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail

(6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6)." Claims 2, 3, 6, 7, and 9-10 depend from independent Claim 1.

Saberan et al does not disclose a "vehicle seat" comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Saberan et al is improper. Claim 1 is patentable over Saberan et al.

Dependent Claims 2, 3, 6, 7, and 9-10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3, 6, 7 and 9-10 under 35 U.S.C. §102(e).

- On pages 18 and 19 of the Office Action, the Examiner has rejected Claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Wieclawski (USPN: 6,908,155 B1).

Wieclawski discloses rails (reference signs 12 and 14) in the seating structure of Wieclawski (see col. 3, lines 34 to 39), but these rails appear to be intended to displace the seat entirely forward or backward and not to be used in the respective movement of the backrest and of the seat base from or to their respective positions. Also the disclosure of a further rail (reference sign 46) does not change this situation because there does not appear to be an additional rail (used in moving the backrest and seat base) comparable to the second rail as disclosed and claimed in the present application.

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, and 6-10 depend from independent Claim 1.

Wieclawski does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Wieclawski is improper. Claim 1 is patentable over Wieclawski.

Dependent Claims 2, 3, and 6-10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 6-10 under 35 U.S.C. §102(e).

- On pages 19 and 20 of the Office Action, the Examiner has rejected Claims 1-7 under 35 U.S.C. §102(e) as being anticipated by Sugimoto et al (USPN: 6,568,756 B2).

Sugimoto et al discloses a foldable vehicle seat with movable seat back and seat cushion. It, however, does not disclose simultaneous movement of the seat back and the seat

cushion in the recited manner, such as rails being moved or longitudinally displaced during the movement of the seat back and seat cushion.

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, 6, and 7 depend from independent Claim 1.

Sugimoto et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Sugimoto et al is improper. Claim 1 is patentable over Sugimoto et al.

Dependent Claims 2, 3, 6, and 7 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3, 6, and 7 under 35 U.S.C. §102(e).

- On pages 20-23 of the Office Action, the Examiner has rejected Claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Kammerer (USPN: 6,655,738 B2).

Kammerer discloses a vehicle seat having a seat cushion, a backrest and an articulated seat frame with feet. The positions of the seat cushion and the backrest are coupled by coupling means that comprises slot and tenon guides as well as four-bar linkages (cf. col. 5 and 6). Kammerer does not appear to disclose two rails having a longitudinal displacement while the vehicle's seat is moved from its normal position to its package position or vice versa.

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, and 6-10 depend from independent Claim 1.

Kammerer does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Kammerer is improper. Claim 1 is patentable over Kammerer.

Dependent Claims 2, 3, and 6-10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 6-10 under 35 U.S.C. §102(e).

- On pages 22-23 of the Office Action, the Examiner has rejected Claims 1-3 and 9-10 under 35 U.S.C. 203(e) as being anticipated by Mukoujima et al (USPN: 7,014,263 B2)

Claim 1 is in independent form and recites a “vehicle seat” comprising in combination with other elements, “a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6), with a first rail position of the rails (5, 6) relative to each other corresponding to the first seat back of the backrest (1) and the first seat base position of the seat base (8) and, a second rail position of the rails (5, 6) relative to each other corresponding to the second seat back position of the backrest (1) and the second seat base position of the seat base (8), and wherein a longitudinal displacement of the rails (5, 6) relative to each other takes place between the first rail position of the rails (5, 6) and the second rail position of the rails (5, 6).” Claims 2, 3, and 9-10 depend from independent Claim 1.

Mukoujima et al does not disclose a “vehicle seat” comprising a transmission configured in such a manner that a pivoting movement of the backrest (1) from the first seat back position into the second seat back position is coupled to a pivoting movement of the seat base (8) from a first seat base position into a second seat base position, wherein the transmission comprises a first rail (5) and a second rail (6) that are positioned and displaced in the specified manner, as recited in independent Claim 1. The rejection of Claim 1 over Mukoujima et al is improper. Claim 1 is patentable over Mukoujima et al.

Dependent Claims 2, 3, 9 and 10 which depend from independent Claim 1 are also patentable. See 35 U.S.C. §102 ¶4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 9-10 under 35 U.S.C. §102(e).

Claim Rejections – 35 U.S.C. §103

- On page 23 of the Office Action, the Examiner has rejected Claims 11-12 under 35 U.S.C. §103(a) as being unpatentable over Wieclawski (USPN: 6,908,155 B1).

The Examiner states “Wieclawski the obvious use of the structures as claimed.”

Wieclawski is directed to “a vehicle seat” (see title). Applicants restate their comments with respect to Wieclawski above.

Claim 11 is in independent form and recites a “method for adjusting a vehicle seat” comprising in combination with other elements, “moving the backrest from a first seat back position to a second seat back position; and moving the seat base from a first seat base position to a second seat base position, wherein the moving of the backrest and the seat base occurs at the same time due to a transmission with rails that couple the backrest to the seat base and are displaced longitudinally relative to each other and the vehicle seat is in a cargo position.” Claim 12 depends from independent claim 11.

The method recited in independent claim 11 would not have been obvious in view of Wieclawski under 35 U.S.C. §103(a). Wieclawski does not disclose, teach or suggest the recited method that includes “moving the backrest from a first seat back position to a second seat back position; and moving the seat base from a first seat base position to a second seat base position, wherein the moving of the backrest and the seat base occurs at the same time due to a transmission with rails that couple the backrest to the seat base and are displaced longitudinally relative to each other and the vehicle seat is in a cargo position.” To transform the vehicle seat of Wieclawski into a “method for adjusting a vehicle seat” as recited in independent claim 11 would require still modification, and such modification is taught by the Applicant’s own disclosure. The suggestion of the Examiner that Wieclawski teaches an obvious use of the structures as claimed is improper. Therefore claim 11 is patentable over Wieclawski.

Dependent claim 12 which depends from independent claim 11 is also patentable. See 35 U.S.C. §112 ¶4.

The Applicant respectfully requests withdrawal of the rejection of claims 11 and 12 under 35 U.S.C. §103(a).

- On page 23 of the Office Action, the Examiner has rejected Claims 11-12 under 35 U.S.C. §103(a) as being unpatentable over Kammerer (USPN: 6,655,738 B2).

The Examiner states “Kammerer the obvious use of the structures as claimed.”

Kammerer is directed to “a vehicle seat” (see title). Applicants restate their comments with respect to Kammerer above.

Claim 11 is in independent form and recites a “method for adjusting a vehicle seat” comprising in combination with other elements, “moving the backrest from a first seat back position to a second seat back position; and moving the seat base from a first seat base position to a second seat base position, wherein the moving of the backrest and the seat base occurs at the same time due to a transmission with rails that couple the backrest to the seat base and are displaced longitudinally relative to each other and the vehicle seat is in a cargo position.” Claim 12 depends from independent claim 11.

The method recited in independent claim 11 would not have been obvious in view of Kammerer under 35 U.S.C. §103(a). Kammerer does not disclose, teach or suggest the recited method including “moving the backrest from a first seat back position to a second seat back position; and moving the seat base from a first seat base position to a second seat base position, wherein the moving of the backrest and the seat base occurs at the same time due to a transmission with rails that couple the backrest to the seat base and are displaced longitudinally relative to each other and the vehicle seat is in a cargo position.” To transform the vehicle seat of Kammerer into a “method for adjusting a vehicle seat” as recited in independent claim 11 would require still modification, and such modification is taught by the Applicant’s own disclosure. The suggestion of the Examiner that Kammerer teaches an obvious use of the structures as claimed is improper. The method recited in independent claim 11, considered as a whole, would not have been obvious in view of Kammerer. The rejection of claim 11 over Kammerer under 35 U.S.C. §103(a) is improper. Therefore claim 11 is patentable over Kammerer.

Dependent claim 12 which depends from independent claim 11 is also patentable. See 35 U.S.C. §112 ¶4.

The Applicant respectfully requests withdrawal of the rejection of claims 11 and 12 under 35 U.S.C. §103(a).

Claim 13 is a new method claim that is believed to be patentable based on the limitations recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is believed that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 24, 2008

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